

Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: BA2006068

Variance

Hearing Date:

August 9, 2006

Agenda Item:

1

Supervisory District:

4

Applicant:

Shelly Smith

Property Owner:

TCI, LLC

Request:

Variances to permit:

- 1) A proposed addition to an existing single-family residence to setback 11.96 feet from the street side (west) property line where 20 feet is the minimum required; and
- 2) A proposed addition to an existing single-family residence to setback 6.21 feet from the side (east) property line where 30 feet is the minimum required in the Rural-43 zoning district.

These variances are requested from the following Zoning Ordinance Section(s):

- 1) Section 503, Article 503.4.1.c
- 2) Section 503, Article 503.4.2

Site Location:

17919 W. Yuma Road – Yuma and Citrus Roads (Goodyear area)

Site Size:

21,780 square feet (0.50 acres)

Existing Zoning:

Rural-43

Current Use:

Residential

Citizen

Support/Opposition: None known

Staff

Recommendation: **Approve** with stipulations

Existing On-Site and Surrounding Zoning:

1. On-site: Rural-43
- North: Rural-43
- South: Rural-43
- East: Rural-43
- West: Rural-43

Existing On-Site and Surrounding Land Use:

2. On-site: Single-family residence
- North: Yuma Road then vacant
- South: Single-family residence
- East: Single-family residence
- West: Private easement then single-family residence

Background:

3. **Circa 1978:** Zoning Clearance **78-2628** was issued to relocate a 1955 single-family residence on the subject site.
4. **Circa 1987:** Zoning Clearance **87-505B** was issued for the remodeling of a single-family residence.
5. **January 7, 1991:** Building permit **91-069262** was issued for a gas line.
6. **November 9, 1993:** Building permit **93-087806** was issued to repair fire damage to the single-family residence.
7. **May 17, 2005:** The current owner took possession of the subject site via a Warranty Deed recorded under docket **05-0655884**.
8. **July 11, 2005:** The legal description for the subject site was corrected via a Correction Deed recorded under docket **05-0949397**.
9. **June 14, 2006:** The applicant applied for these variance requests.

Findings:

10. **Maricopa County Department of Transportation:** No response at the time this report was written.
11. **Flood Control District:** No objection to these requests (see attached e-mail).
12. **Environmental Services Department:** No response at the time this report was written.
13. **Drainage Administration:** No drainage concerns.

Site Analysis:

14. The subject site is a rectangular shaped lot measuring 82.50 feet in width and 264 feet in depth for a total area of 21,780 square feet. The property fronts onto Yuma Road to the north and takes access directly from Yuma Road, which is a 25-foot wide two lane asphalt road. The ultimate right-of-way of Yuma Road is 110 feet since it is a section line road. There is a 30-foot wide ingress/egress easement that runs along the entire western property line that provides access to the properties that are south of the subject site. The property is enclosed by chain link fencing on all sides with a parking area located in the front yard. This parking area is composed of compacted rock and earth while the remainder of the site is a mixture of natural and man-made landscaping consisting of desert scrub grasses, trees and cacti. The site is level and free of any physical or topographical hardships.
15. The site is currently developed with an approximate 928 square foot single-family residence and a 150 square foot detached accessory structure (shed). As noted above, staff was able to find prior zoning clearances for the house and related additions but was unable to find any record of clearances or permits for the shed. The owner proposes to construct a 2,160 square foot addition to the residence. The subject site is 21,780 square feet in area and 82.50 feet in width which does not conform to the zoning standards of the Rural-43 zoning district. Staff was unable to accurately discern when the lot was split into the configuration it is today and requires that the owner seek legal, non-conforming status for the substandard lot area and width prior to any clearances or permits being issued on the site.

(aerial photo on following page)



Aerial view of subject site and surrounding area

16. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the applicant.

| Standard | Rural-43 Zoning District | Proposed Standard |
|---------------------|-----------------------------|-----------------------|
| Front Yard Setback | 40-feet | 45-feet |
| Rear Yard Setback | 40-feet | 116-feet |
| Side Yard Setback | 30-feet | 6.21-feet |
| Street Side Setback | 20-feet | 11.96-feet |
| Maximum Height | 30-feet/2 stories | 18'-4"/1 story |
| Minimum Lot Area | 43,560 sq. ft. | <i>21,780 sq. ft.</i> |
| Minimum Lot Width | 145-feet | <i>82.50-feet</i> |
| Lot Coverage | 15% | 14.87% |

*Standards indicated in **bold** do not meet minimum base zoning standards.

**Standards indicated in *italics* are considered to be legal, non-conforming.

Land Use Analysis:

17. The subject site is located in a Class Ia county island in the southwestern portion of the County surrounded by the City of Goodyear and the Town of Buckeye. Citrus Road is 250 feet east while Yuma Road is adjacent to the northern property line of the subject site. The City of Goodyear's jurisdictional boundary is located at the northeast corner of Yuma and Citrus Roads and ½ mile west on Yuma Road while the Town of Buckeye is approximately 1.25 miles northwest and southwest of the site. The Roosevelt Irrigation District Canal is approximately one mile northwest of the property.
18. The immediate area around the site has been primarily developed through the lot splitting process although there are some recorded subdivisions in the general area. The property is located in an area previously used for agricultural purposes. Some agricultural uses are still present in the area, especially west of the site; however these existing uses are rapidly being replaced with residential and commercial properties. The immediate area is zoned Rural-43 (County) with the surrounding areas zoned Rural-43 (County), AU and PAD (Goodyear) and GC, PC and PR (Buckeye). Subdivisions that are located within one mile of the site in the County are Sweetwater Estates while Canyon Trails and Cottonflower are located in the City of Goodyear.
19. Staff research indicates that one Board of Adjustment case has been heard within the general area of the subject site and is relevant to this case. The summary is as follows:
 - Case **BA99-53** was for variance requests to permit: 1) an existing lot width of 137.5 feet where 145 feet is the minimum required, 2) an existing lot area of 13,406 square feet where 43,560 square feet is the minimum required; and 3) an existing single-family residence to setback 14 feet from the rear (south) property line where 40 feet is the minimum required in the Rural-43 zoning district. These requests were approved by the Board of Adjustment with stipulations. The property is located at 3205 S. Citrus Road approximately 1.25 mile southeast of the subject site.

Plan Analysis:

20. The owner originally requested one variance with this application. Staff's review of the site plan submitted by the owner revealed the need for one additional variance. These variance requests are as follows:
 - 1) A proposed addition to an existing single-family residence to setback 11.96 feet from the street side (west) property line where 20 feet is the minimum required in the Rural-43 zoning district.

This variance was added by staff:

- 2) A proposed addition to an existing single-family residence to setback 6.21 feet from the side (east) property line where 30 feet is the minimum required in the Rural-43 zoning district.
21. The first request is to allow a proposed addition to an existing single-family residence to setback 11.96 feet from the street side (west) property line where 20 feet is the minimum required while the second request is to allow a proposed addition to an existing single-family residence to setback 6.21 feet from the side (east) property line where 30 feet is the minimum required in the Rural-43 zoning district. These requests came about while the owner was in the planning phase for the proposed addition to the existing residence and became aware that, because of the substandard lot, variances were needed to accommodate the increased square footage to the house. The rationales for the 20-foot and 30-foot setbacks are to promote an open, rural atmosphere between adjoining lots in the Rural-43 zoning district. The subject site has been in its current configuration for at least the past 28 years, if not longer, since there was a zoning clearance issued in 1978 for the existing house. The lot to the east has been its current size since 1963 since that is listed as the construction year for the existing single-family residence on that site by the Maricopa County Assessor's Office.
 22. Alternatives available to the owner to eliminate the necessity for these two variances are virtually non-existent. There are only two ways in which to rectify the lot's substandard width and area. The first would be to purchase additional land from an adjacent property to bring the lot into compliance with the zoning district's standards while the second would be to combine the lot with another lot. The adjoining lot to the east is also the exact size and dimension as the subject site therefore purchasing land from that lot is not an option nor is purchasing land to the west because of the existing ingress/egress easement. The lot to the east also currently has a single-family residence and joining the two lots is not permissible in the Rural-43 zoning district because only one dwelling unit is allowed per lot.
 23. The subject site has been in its current configuration for nearly three decades, alternatives are nonexistent and prior zoning clearances and building permits have been issued for the existing residence. The two requested variances provide the owner with an acceptable use of a substandard property. Although the two requests made by the owner seem extreme, considering the numerous challenges presented on the site because of the substandard lot area and width, they provide a reasonable compromise to allow the owner continued use of the property as a single-family residence. Also, the existing 30-foot wide ingress/egress easement located along the western property line of the subject site will provide an additional buffer for the adjacent property to the west, which is currently being operated as an agricultural operation and the nearest structure is approximately 300 feet southwest of the proposed addition. For these reasons, staff is recommending that the Board approve these two requests.

Recommendation: (BA2006068)

24. Staff recommends **approval** of these variance requests based on the following:

- The relief requested is the minimum required necessary to provide the owner with full use and enjoyment of the property.
- A peculiar situation exists with respect to this property in that the requested variance is consistent with the character and history of the neighborhood.
- The request does not conflict with the intent of the Zoning Ordinance.

Subject to the following stipulations:

- a) General compliance with the site plan dated May 2006 and stamped received June 14, 2006.
- b) The owner shall remit \$20.00 to the Maricopa County Planning and Development Department for the additional variance request prior to the issuance of any zoning clearances and/or building permits.
- c) The owner shall obtain legal, non-conforming status for the substandard lot area and width prior to the issuance of any zoning clearances and/or building permits.
- d) A complete copy of the Correction Deed recorded under docket **05-0949397** must be submitted to the Maricopa County Planning and Development Department within 30 days of Board approval.
- e) A revised site plan with correct property dimensions, lot area and lot coverage information must be submitted to the Maricopa County Planning and Development Department within 30 days of Board approval.
- f) The owner shall obtain all necessary permits and/or clearances within 120 days of Board approval.

25. If the Board finds that a reasonable use of the property can be made without these variances, then these requests should be denied.

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Attachments: Case Map BA2006068
Zoning Map
Assessor Map
Site Plan
Floor Plan and Elevation (2 pages)
Application
Supplemental Questionnaire
Photographs (3 pages)
Flood Control District E-mail